



New Jersey Department of Children and Families Policy Manual

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| Subchapter: | 5 | Services | |
| Section | 6 | Home study services (N.J.A.C. 10:121A-5.6) | |

§10:121A-5.6 Home study services

(a) The agency shall document in the case record all telephone and in-person contacts with the adoptive applicant(s) or their legal representative that directly pertain to the adoption. All entries shall be signed by the individual making the entry and include the date of the entry.

(b) The agency shall:

1. Provide social work services throughout the home study to help applicants decide if adoption is the best plan for them;
2. Establish and maintain on file written criteria by which adoptive applicants are eligible to apply to adopt a child;
3. Ensure that the criteria specified in (b)2 above apply equally to all applicants; and
4. Make the criteria specified in (b)2 above available to the Office of Licensing, to all prospective adoptive applicants and, upon request, to any person.

(c) The agency shall ensure that each adoptive applicant:

1. Has attained the age of 18 years and is at least 10 years older than the child being adopted. If the applicant is not 10 years older than the child to be adopted, the agency may petition the court to waive the requirement; and
2. Has the capacity to meet the child's physical and emotional needs.

(d) The agency shall also ask applicants to disclose any history of child abuse or neglect or any criminal record, excluding minor traffic violations.

(e) The agency shall advise the applicants of the home study process, including the length of time involved. The home study process shall include the following:

1. At least three in-person contacts that are held on separate days to conduct joint and individual interviews with married applicants. Individual interviews with spouses may be counted as separate in-person contacts. Home study groups may be utilized and counted as one separate in-person contact with married applicants provided that:

i. No more than 10 adoptive parents per each group facilitator are in the group;

ii. The person facilitating the group meets the education and experience requirements for the social worker as specified in N.J.A.C. 10:121A-4.4(c); and

iii. The person facilitating the group maintains a record/notes of the discussions that occurred during group;

2. At least one in-person contact to conduct joint and individual interviews with all members of the applicant's household. These contacts may be held on the same day as the contacts for the married applicants;

3. At least one visit to the residence of the applicant(s);

4. A review of the applicant's current job reference(s):

i. If the applicant states that a request for a current job reference will jeopardize the applicant's employment status, the agency shall obtain a reference from a previous employer.

ii. If a previous employer is not available, the agency shall obtain a reference from an appropriate alternative such as a former teacher or the applicant's supervisor of a volunteer activity; and

5. A review of three personal references from persons unrelated to the applicant(s):

i. The agency shall obtain at least one reference who has known the applicant for five years.

ii. The agency shall obtain at least one reference from a neighbor of the applicant(s). However, if such a reference cannot be obtained, a second reference as specified in (e)5i above may be substituted.

iii. Applicants from the same household may obtain the same personal reference, provided that the personal reference source has knowledge of each applicant.

(f) The agency shall obtain information on the applicants. Such information shall include, but not be limited to:

1. Identifying information such as: name, address, age, occupation, citizenship, race and ethnic background, education, social security number, religion (if any), and children in the home;

2. A description of each adoptive applicant's awareness and sensitivity to special issues that adopted children need to resolve, including the child's identity, attitudes toward birth parents and circumstances of the child's availability for adoption;

3. The family's recognition of the importance of and the family's plans for helping the child accept being adopted;

4. Applicants' interests, hobbies, child caring skills, strengths and weaknesses and how they see themselves and each other;

5. Philosophies on child rearing, discipline, parental roles, experience with children;

6. Emotional stability and maturity of the applicant(s), including understanding of and ability to cope with problems, stress, frustration, crisis, separation and loss, capacity to give and receive affection, and ability to distinguish between their needs and those of the child;

7. State of their marital, civil union or domestic partner relationship, decision making, communication, roles in the family and how they handle differences of opinion, if relevant;

8. The attitudes of other members of the family and of significant other persons involved with the family towards the adoption, description of them as individuals and how they interact as a family, and adjustment of other children in the family;

9. Each parent's family life history that includes: childhood experiences, what their home life was like, their parents' method of discipline and handling problems, their family ties, current family relationships and relatives' attitudes towards adoption;

10. Each parent's agreement that corporal punishment, including hitting and shaking, as well as abusive language and ridicule are unacceptable means of discipline;

11. Written medical reports on each applicant and all other persons living in the home that include health, results of laboratory tests or X-rays if ordered by the physician, and the physician's recommendation on the applicant's health status as it relates to the applicant's capacity to be an adoptive parent;

12. Verifications of present or previous marriage(s) and divorce(s) of each adoptive applicant, including deaths of former spouses when there was no divorce;

13. A statement of the agency's assessment of the results of State and Federal Criminal History Record Information (CHRI) fingerprint background checks, as specified in (g) below;

14. A statement of the agency's assessment of the results of Division of Youth and Family Services Child Abuse Record Information (CARI) background checks, as specified in (n) below;

15. Location and description of physical environment of the residence and neighborhood;

16. Statement of income and financial resources, and a description of the applicant's capacity to manage finances;

17. A description of the type(s) of children the adoptive applicants can accept, including age range, sex, sibling groups and physical, social, emotional or developmental disabilities in the child;

18. A description of any birth family background problems, such as medical or hereditary problems, incest, mental illness, or drug use; and

19. A description of the applicant's capacity to make viable child care arrangements while the applicant(s) is employed, if relevant.

(g) As part of the home study, the agency shall obtain Criminal History Record Information (CHRI) fingerprint background checks on each adoptive applicant and all persons residing in the adoptive applicant's home who are 18 years of age or older, except as specified in (v) below. For the purposes of processing requests for CHRI fingerprint background checks, the agency shall ensure that:

1. The identity of each adoptive applicant and each adult who resides in the adoptive applicant's home is verified through a valid driver's license with photograph, a valid passport or other government-issued picture identification;

2. Fingerprints are obtained utilizing the electronic fingerprinting process through the vendor authorized by the State to conduct CHRI background checks through the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation, except as specified in (h) and (i) below;

3. A list is maintained of all adoptive applicants and adults who reside in the applicant's home who are fingerprinted;

4. All required fees for electronic fingerprinting are submitted by the adoptive applicants to the vendor authorized by the State to conduct CHRI background checks through the Division of State Police in the Department of Law and Public Safety and the Federal Bureau of Investigation;

5. All correspondence involving individual fingerprints or the results of the CHRI is marked "Confidential";

6. A record of the results of the CHRI and the date the results are received by the agency is maintained in the applicant's case record; and

7. When the results of a CHRI reveal a criminal conviction, the agency:

i. Discloses the results of the CHRI only to the specific individual on whom the CHRI was conducted; and

ii. Discloses to the adoptive applicant(s) the name of the adult residing in the applicant's home who has a criminal conviction, but does not disclose to the adoptive applicant(s) any other information about the conviction.

(h) An agency providing services to an adoptive applicant residing in a state other than New Jersey shall obtain the CHRI background check for the applicant and adult members of the applicant's household from the state where the applicant resides, in lieu of obtaining a New Jersey State CHRI, provided that:

1. The agency obtains the Federal CHRI background check for the individual; and

2. The agency documents that the individual never resided or worked in New Jersey.

(i) An agency providing services to an out-of-State resident who previously resided or worked in New Jersey, or to a New Jersey resident who is unable to access the electronic fingerprinting process due to illness or injury, shall obtain the CHRI background check using the fingerprint cards supplied by the Department of Children and Families.

1. Such fingerprints may be taken:

i. At the adoption agency by trained agency staff or by a trained person who is hired or volunteers to take fingerprints on behalf of the agency;

ii. At the local police station; or

iii. By trained staff of another adoption agency, as part of a cooperative effort.

2. The completed fingerprint cards and required fees shall be submitted to the Department of Children and Families.

(j) A public adoption agency shall disqualify an adoptive applicant if the applicant or any adult residing in the applicant's household was convicted of one of the following crimes or offenses:

1. A crime against a child, including endangering the welfare of a child and child pornography pursuant to N.J.S.A. 2C:24-4; or child abuse, neglect or abandonment pursuant to N.J.S.A. 9:6-3;

2. Murder pursuant to N.J.S.A. 2C:11-3 or manslaughter pursuant to N.J.S.A. 2C:11-4;

3. Aggravated assault, which would constitute a crime of the second or third degree pursuant to N.J.S.A. 2C:12-1b;

4. Stalking pursuant to N.J.S.A. 2C:12-10;

5. Kidnapping and related offenses, including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure or isolated area pursuant to N.J.S.A. 2C:13-1 through 6;

6. Sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.A. 2C:14-2 through 4;

7. Robbery, which would constitute a crime of the first degree pursuant to N.J.S.A. 2C:15-1;

8. Burglary, which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:18-2;

9. Domestic violence pursuant to N.J.S.A. 2C:25-17 et seq.;

10. Endangering the welfare of an incompetent person pursuant to N.J.S.A. 2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.A. 2C:24-8;

11. Terrorist threats pursuant to N.J.S.A. 2C:12-3;

12. Arson pursuant to N.J.S.A. 2C:17-1, or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:17-2; or

13. An attempt or conspiracy to commit an offense specified in (j)1 through 12 above.

(k) A public adoption agency shall disqualify an adoptive applicant if the applicant or an adult residing in the applicant's household was convicted of one of the following crimes or offenses, and the date of release from confinement (the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last) occurred within the preceding five years:

1. Simple assault pursuant to N.J.S.A. 2C:12-1a;

2. Aggravated assault which would constitute a crime of the fourth degree pursuant to N.J.S.A. 2C:12-1b;

3. A drug-related crime pursuant to the Comprehensive Drug Reform Act, N.J.S.A. 2C:35-1 et seq.;

4. Robbery which would constitute a crime of the second degree pursuant to N.J.S.A. 2C:15-1;

5. Burglary which would constitute a crime of the third degree pursuant to N.J.S.A. 2C:18-2; or

6. An attempt or conspiracy to commit an offense specified in (k)1 through 5 above.

(l) For a public adoption agency when the conviction is for a crime or offense other than those specified in (j) and (k) above, and for a private adoption agency for a conviction for any crime or offense, the agency shall utilize the following

criteria for assessing the suitability of the adoptive applicant when the CHRI reveals a record of criminal conviction by the adoptive applicant or an adult residing in the applicant's household. The agency shall:

1. Examine the nature and seriousness of the crime and the date it occurred. Special attention shall be given to crimes of violence, crimes that involve the use or threat of a weapon, rape/sexual assault, crimes that result in the loss of life and crimes against children;
2. Discuss the circumstances of the crime with the convicted individual, in a confidential manner as specified in (g)8 above;
3. Assess whether the age of the convicted individual at the time the crime was committed is a relevant factor;
4. Take into consideration whether the crime was an isolated or repeated incident;
5. Assess whether there were social conditions/extenuating factors involved that may have contributed to the crime or mitigated the convicted individual's culpability; and
6. Determine whether the convicted individual completed a rehabilitation program, including a prison sentence, stays in a half-way house, treatment received in a drug treatment facility, treatment received in a psychiatric hospital or counseling received in the community. If such evidence exists, the agency shall assess whether the convicted individual has been rehabilitated and shall consider such rehabilitation in making a determination; and
7. Inform the Office of Licensing of its assessment of the suitability of the adoptive applicant(s).

(m) The CHRI background checks specified in (g) and (h) above shall be valid for 12 months from the date the results are received by the agency.

(n) The agency shall obtain Child Abuse Record Information (CARI) background checks from the Division of Youth and Family Services on each adoptive applicant and all persons residing in the adoptive applicant's home who are 18 years of age and older, except as specified in (n)5 below. The agency shall ensure that:

1. CARI background check forms supplied by the Office of Licensing are completed and signed by the adoptive applicant(s) and other adult(s) residing in the adoptive applicant's home and submitted along with a fee of \$ 10.00 for each CARI background check, in the form of a check or money order made payable to the "Treasurer, State of New Jersey," to the address designated by the Office of Licensing;
2. All correspondence between the agency and the Department involving CARI background check forms and related information is marked "confidential";

3. When the results of a CARI background check reveal a substantiated incident(s) of child abuse and/or neglect, the agency:

- i. Discloses the results of the CARI background check only to the individual identified by the Department as the perpetrator of the child abuse and/or neglect incident(s); and
- ii. Discloses to the adoptive applicant(s) the name of the perpetrator, if other than the applicant(s), but does not disclose to the applicant(s) any other information concerning the incident;

4. As part of the home study, the agency utilizes the following criteria for assessing the suitability of the adoptive applicant(s) when the CARI background check reveals that the adoptive applicant(s) or adult(s) residing in the home has a record of a substantiated incident(s) of child abuse and/or neglect. Utilizing the results of the CARI background checks and through contacts with the adoptive applicant(s), the agency shall:

- i. Examine the nature and seriousness of the abuse and/or neglect incident(s) and the date(s) it occurred, with particular concern for incidents of sexual abuse and abuse or neglect that resulted in the death or serious injury of a child;
- ii. Discuss the circumstances of the abuse and/or neglect incident(s) with the adoptive applicant(s) or adult(s) residing in the home in a confidential manner as specified in (n)3 above;
- iii. Assess whether the age of the perpetrator at the time the abuse and/or neglect incident(s) occurred is a relevant factor;
- iv. Take into consideration whether the incident(s) of abuse and/or neglect was an isolated or a repeated incident;
- v. Assess whether there were circumstances or extenuating factors involved that may have contributed to the incident(s) of abuse and/or neglect or mitigated the perpetrator's culpability; and
- vi. Determine if the perpetrator has completed a rehabilitation program or counseling program. If such evidence exists, the agency shall make an assessment whether the perpetrator has been rehabilitated and shall consider such rehabilitation in making a determination;

5. For an adoptive applicant residing in a state other than New Jersey, the agency obtains a child abuse background check for the applicant and adult members of the applicant's household from the state where the applicant resides, in lieu of obtaining a New Jersey CARI check, provided that the agency documents that the individual never resided or worked in New Jersey. For individuals who previously resided or worked in New Jersey, the agency shall obtain both a New Jersey CARI check and a child abuse background check from the state where the applicant resides. For individuals who previously resided or worked in a state other than New

Jersey and currently reside in New Jersey, the agency shall obtain both a New Jersey CARI check and a child abuse background check from the state where applicant previously resided; and

6. The agency maintains the results of the CARI background check and/or child abuse background check from another state in the adoptive applicant's file.

(o) The CARI background checks specified in (n) above shall be valid for 12 months from the date the results are received by the agency.

1. If a child is not placed in the adoptive applicant's home within 12 months, the agency shall obtain an additional CARI background check as specified in (n)2 above, for each applicant and all persons residing in the applicant's home who are 18 years of age and older, prior to placement of a child in the adoptive applicant's home.

2. The agency shall maintain the results of the additional CARI background checks in the adoptive applicant's file.

(p) The home study shall not be shared with any person, parent, adoptive applicant or agency until it has been completed. The home study shall be considered complete when it contains all information specified in (g) through (n) above.

(q) When an employee or consultant is adopting a child through the agency they work for or provide services to, the employee or consultant shall obtain a home study from another certified agency.

(r) The agency shall not place a child in the adoptive applicant's home for the purpose of adoption without a completed home study.

(s) After the home study has been conducted, the social worker who conducted the study and the social work supervisor shall co-sign a letter to the adoptive parents or otherwise indicate in writing that the approval or rejection decision was made jointly.

1. The agency shall make the approval or rejection decision after carefully assessing all the information obtained during the home study.

2. The agency shall inform the applicant(s) of its decision in writing within 30 calendar days after the last contact with the applicant(s).

i. When an applicant is approved, the agency shall recommend to the applicant the type(s) of child(ren) who can best adjust to the family and to whom the family can best adjust. When the agency's recommendation of the type(s) of child(ren) to be considered for adoption is different from the applicant's initial preference for a certain type(s) of child(ren), the agency shall document in the adoptive family record the results of the discussion between the social worker and the applicant on this point.

ii. When the applicant pursues a child(ren) different from the type(s) of child(ren) recommended by the agency, the agency shall reevaluate the home study to determine if the applicant can be approved for the type of child he or she is seeking.

iii. When an applicant is not accepted, the agency shall:

(1) Explain to the applicant the reason(s) that a child cannot be placed with the family;

(2) Offer the applicant at least one in-person contact to help the applicant adjust to the agency's decision; and

(3) Provide the applicant information, both verbally and in writing, of the agency's grievance procedure.

(t) Upon receipt of a written request from adoptive applicants who have undergone a home study for a foreign adoption, the agency shall forward to the applicants the home study within 30 calendar days of the request.

(u) For applicants who have been studied, approved and placed on a waiting list for longer than 12 months from the time their home study was approved, the agency shall ensure that the home study is current within 12 months of the child's being placed into the home, except for home studies for foreign adoption, which may be current for 18 months of the child's being placed in the home. The updated home study shall include:

1. One or more interviews with all members of the applicants' household;

2. Medical reports within the past year for all members of the applicants' household;

3. A visit to the residence of the applicant(s); and

4. Updated financial information, as specified in (f)16 above.

(v) For applicants who are being considered for adoption of one or more additional children, the agency shall:

1. Update the home study as specified in (u) above; and

2. Evaluate the adjustment status of the previously placed child(ren) with the family.

(w) For a stepparent adoption, a CHRI shall not be required for household members 18 years of age and older who are related to the birth parent.

(x) The Criminal History Record Information (CHRI) fingerprint background check and the Child Abuse Record Information (CARI) background check conducted on an adoptive parent(s) whose child's adoption in a foreign country is recognized by the United States government shall be valid for such adoptive parent(s) when seeking a readoption in New Jersey.

(y) A New Jersey State Police fingerprint background check, as specified in N.J.A.C. 10:121A-5.6(g), shall be obtained by the agency for an adoptive

parent(s) seeking adoption in New Jersey for a child whose adoption in a foreign country is not recognized by the United States government. The agency shall also meet the following requirements:

1. A home study shall be conducted, except that a Federal fingerprint background check shall not be required; and
2. The agency shall maintain the results of the New Jersey State Police fingerprint background check in the file of the adoptive parent(s).

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